

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

V. CRIMINAL NO. 3:18CR165-CWR-FKB

JESSIE BULLOCK

**MOTION FOR TIME TO RESPOND TO
COURT'S INQUIRY ABOUT
APPOINTMENT OF A CONSULTING HISTORIAN**

Comes now Defendant Jessie Bullock and files this Motion for Time to Respond to Court's Inquiry About Appointment of a Consulting Historian. Specifically, the defense asks for a 14-day extension, until **Monday, December 12, 2022**, to respond to the Court's inquiry. In support of this Motion, Mr. Bullock presents the following.

Mr. Bullock's Motion to Dismiss (docket entry no. 61) is pending before the Court. The prosecution filed a Response to the Motion (docket entry no. 63) and the defense filed a Reply to the Response (docket entry no. 64). On October 27, 2022, this Court entered an Order on the Motion.

As the Court is aware, the issue in the Motion to Dismiss focuses on the United States Supreme Court's ruling in *N.Y. State Rifle & Pistol Ass'n v. Bruen*,

142 S. Ct. 2111 (2022). *Bruen* focuses on an individual's right to possess guns under the Second Amendment to the United States Constitution. Through the Motion to Dismiss, the defense argues that under *Bruen*, 18 U.S.C. § 922(g)(1) is unconstitutional. Section 922(g)(1) prohibits possession of guns by people with felony convictions.

The Court's Order delves into a historical analysis of the Second Amendment, and the framer's intent behind the Second Amendment. Without reaching a conclusion on the issue, the Court asked the parties "whether it should appoint a historian to serve as a consulting expert on the matter." Order, p. 6. The Order goes on to state, "[w]ithin 30 days, the parties shall respond and indicate their position on the appointment of a consulting expert." *Id.* Thirty days from the date of the order is November 26, 2022, which is a Saturday. Therefore, under the Local Rules of the Court pertaining to motion practice, the response to the Court's inquiry is due on Monday, November 28, 2022.

The undersigned has been and continues to consult with defense counsel nationwide on the subject issue. Defense counsel is also considering possible candidates for the potential consultant position.¹ While this Court's decision in the subject case is not binding on court's nationwide, the subject issue has gained

¹ At this point, defense counsel is not conceding that a consultant should be appointed on the historical precedent issue.

national attention. Further communication with the defense community and further research on the issue is needed to adequately respond to the Court's inquiry about this important matter. Therefore, the defense asks for a 14-day extension, until **Monday, December 12, 2022**, to respond to the Court's inquiry.

WHEREFORE, Mr. Bullock respectfully asks this Court to grant his Motion for Time to Respond to Court's Inquiry About Appointment of a Consulting Historian.

Respectfully submitted, September November 22, 2022.

Omodare B. Jupiter
Federal Public Defender

/s/ Michael L. Scott
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Attorney for Defendant

CERTIFICATE OF SERVICE

I, Michael L. Scott, certify that this Motion was filed with the Clerk of the United States District Court for the Southern District of Mississippi on November 22, 2022, using the electronic case filing system, which in turn sent an electronic copy of this Reply to all attorneys of record in this case.

/s/ Michael L. Scott
Michael L. Scott
Attorney for Defendant

CERTIFICATE OF CONFERENCE

In accordance with Local Criminal Rule 47(A), the undersigned attempted to conferred with the Assistant United States Attorney assigned to this case via email, in a good faith effort to resolve this matter. The Assistant United States Attorney does not object to the relief sought herein.

/s/ Michael L. Scott
Michael L. Scott
Attorney for Defendant